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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,630	11/12/1999	NAOKI MURAYAMA	SONYJP-3.0-0	9638
530	7590	01/11/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ONUAKU, CHRISTOPHER O	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/438,630

Applicant(s)

MURAYAMA ET AL.

Examiner

Christopher Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments of 9/26/05 with respect to claims 11-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohara et al (US 6,292,618) in view of Young et al (US 6,832,385) and further in view of Saib et al (US 6,292,624).

Regarding claim 11, Ohara et al disclose an image recording and reproducing apparatus capable of recording and reproducing both of digital and analog signals, including a reference signal necessary to display a state of the image recording and reproducing apparatus in a picture and an operation method of the image recording and reproducing apparatus, comprising:

a) a receiver section for receiving digital television signals (see Fig.1&3 and IRD 200; col.3, lines 58-64 and col.4, line 63 to col.5, line 39);

b) a communication line for receiving digital television signals reproduced and transmitted from an external storage device (external storage device reads on the VTR 100 of Fig.1) (see Fig.1, communication line 270 that connects the IRD 200 to the VTR 100; col.5, lines 44-46) ;

c) an on-screen display processor for generating on-screen displays from the digital television signals received from the receiver section and from the external storage device (see Fig.1; analog OSD 15; col.3, line 66 to col.4, line 33 and Fig.1&3; digital OSD 2032; col.5, lines 29-38 and col.6, lines 15-44).

Ohara fails to explicitly disclose wherein the on-screen display processor being adapted to generate (i) at least one of (A) a received program explanation screen including at least one of picture, voice and data selections for the currently selected program and (B) a received contents display screen including a description of the contents of the currently selected program and (ii) at least one of (A) a reproduced program explanation screen including at least one of picture, voice and data selections for a program reproduced by the external storage device and (B) a reproduced contents display screen including a description of the contents of the program reproduced by the external storage device, the at least one of the received program explanation screen and the received contents display screen being superimposed on the television program being received by the receiver, and the at least one of the reproduced program explanation screen and the reproduced contents display screen being superimposed on the television program being reproduced and transmitted by the external storage device.

Young et al teach a system and process that displays on a television screen, overlaying a primary television display or program, a small background schedule guide that can be easily accessed by a user during lulls in the primary television display or program, including a system and process that creates a directory of recorded programs by title for easy retrieval and program playback, comprising programmable TV tuner cable decoder 202 (claimed receiver), remote controlled VCR 206 (claimed external storage device) and TV/monitor 210; wherein the word JUDGE is being overlaid on the show JUDGE currently being received and viewed by a viewer; here the display of the word JUDGE shows or explains that the show JUDGE is currently being received (see Fig.7&12; col.9, line 66 to col.10, line 40); and wherein the program JUDGE recorded as one of the "WHAT'S ON THIS TAPE" programs is reproduced, and during the reproduction the word JUDGE is again overlaid on the program JUDGE being reproduced to show or explain that the program JUDGE is being reproduced (see Fig.13; col.10, line 48 to col.11, line 26 and col.18, lines 38-45).

Superimposing words (e.g., title of a program) on a screen on a program being received or reproduced in order to explain, for example, a program being received or a program being reproduced provides the desirable advantage of indicating the program being received or reproduced when such a program is being received or reproduced, thereby ensuring the viewer the program that the viewer is receiving/viewing or a program that the viewer is reproducing is the correct program, for example.

It would have been obvious to modify Ohara by realizing Ohara with the means to superimpose words (e.g., title of a program) on a screen on a program being received

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or reproduced in order to explain, for example, a program being received or a program being reproduced, as taught by Young et al, since this provides the desirable advantage of indicating the program being received or reproduced when such a program is being received or reproduced, thereby ensuring the viewer the program that the viewer is receiving/viewing or a program that the viewer is reproducing is the correct program, for example.

Furthermore, Ohara and Young et al fail to disclose a digital interface for receiving digital television signal reproduced and transmitted from an external storage device.

Saib et al teach a system and method for selectively recording a show without using a timer set-up screen comprising, as shown in Fig.3, the IRD 310, the VCR 330, the television receiver (TV) 320 and communication line 325 that connects the IRD 310 to the TV 320 and the communication line 335 that connects IRD 310 to the VCR 330 (see col.3, line 33 to col.4, line 7). In col.4, line 64 to col.5, line 10, Saib teaches an interface 415 which complies with IEEE-1394 standard that connects the IRD 310 to digital-input peripheral devices such as VCRs. Connecting digital electronic devices through a digital interface that complies with the IEEE 1394 standard provides the desirable advantage of connecting the digital devices with IEEE-1394 interface which complies with the IEEE-1394 standard. It would have been obvious to further modify Ohara by realizing Ohara with digital interface IEEE-1394 in order to connect the Ohara digital devices (e.g., IRD or VTR, for example), since this provides the desirable

advantage of connecting the digital devices with IEEE-1394 interface which complies with the IEEE-1394 standard.

Regarding claim 12, Ohara modified with Young discloses wherein the received program explanation screen and the reproduced program explanation screen are visually substantially the same but at least one of the program explanation screens includes an indicia element to distinguish between the program explanation screens. As discussed in claim 11, above, Young in Fig.12&13 (wherein Fig.12 displays a receiving display and Fig.13 displays a reproducing display of the same program JUDGE) discloses wherein both displays on Fig.12&13 are the same except that Fig.13 displays include a program note overlay, and "WHAT,S ON THIS TAPE" that clearly distinguishes Fig.12 from Fig.13 displays.

Regarding claim 13, Saib further teaches wherein the digital television signals received by the receiver section include television program guide information (see col.6, lines 24-58).

Regarding claim 14, Ohara discloses wherein the digital television signals reproduced and transmitted from the external storage device include television program guide information (see preengagement picture of Fig.9 which examiner reads as a program guide; col.9, lines 33-46 and col.12, line 55 to col.13, line 23).

Regarding claim 15, Young teaches wherein the on-screen display processor processes the television program guide information included in the reproduced digital television signals to generate the at least one of the reproduced program explanation screen and the reproduced contents display screen and omits user selections previously displayed in the at least one of the received program explanation screen and the received contents display screens, which are no longer valid user selections when viewing the television program being reproduced and transmitted by the external storage device from the television program guide information (see Fig.7 & Fig.13, wherein most of what is displayed in Fig.7 display are not in Fig.13 display because they are no longer relevant to the user

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claim 11 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 12 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 13 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 14 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 15 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claims 11&12 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 11 above, including the discussions on the superimposition (overlying) processes of Ohara modified with Young.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 22 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 22 above.

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COO

12/31/05


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2616